

## **REMARKS**

Upon entry of this amendment, claims 1, 9-11 and 16 are all the claims pending in the application. Claims 2-8, 12-15 and 17-20 are canceled by this amendment.

Applicants note that a number of editorial amendments have been made to the specification for grammatical and general readability purposes. No new matter has been added.

### **I. Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 8-10 include allowable subject matter. Applicants note that the features recited in claims 2, 3 and 8 have been substantially incorporated into claim 1, and that claims 2, 3 and 8 have been canceled.

### **II. Claim Rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 1-3, 11-13 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Miki (U.S. 5,107,481).

As noted above, the features recited in claims 2, 3 and 8 have been substantially incorporated into claim 1. For example, claim 1 now recites that the obtaining unit includes: a receiving unit operable to receive an instruction for a procedure during recording; and a discrimination unit operable to discriminate whether the instruction received by the receiving unit is an instruction for the predetermined procedure in which a first object has to be partitioned concurrently with the execution of the procedure, or an instruction for other procedures, wherein the execution control unit includes: an execution permitting unit operable, when the discrimination unit recognizes that the receiving unit has received the instruction for the recording pause, to (1) immediately permit the execution of the recording pause, in case that the

number of frames included in the first object is the predetermined number or more, and (2) wait for the number of frames included in the first object to increase to the predetermined number or more and then permit the execution of the recording pause, in case that the number of frames included in the first object is less than the predetermined number; and an execution unit operable to (1) allow recording to pause and make the apparatus enter a standby mode, when the execution permitting unit permits the execution of the recording pause, and (2) allow recording to be resumed, when the discrimination unit recognizes that the receiving unit has received the instruction for the cancellation of the recording pause during the standby mode.

Applicants respectfully submit that the Miki reference does not disclose, suggest or otherwise render obvious the combination of features recited in amended claim 1. Accordingly, Applicants submit that claim 1 is patentable over Miki, an indication of which is kindly requested. Claims 9 and 10 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 11 and 16, Applicants note that claim 11 is drawn to a digital recording program stored on a computer readable medium, and that claim 16 is drawn to a digital recording method. Applicants note that each of these claims has been amended in a similar manner as claim 1.

Accordingly, Applicants respectfully submit that the cited prior art does not disclose, suggest or otherwise render obvious all of the features recited in amended claims 11 and 16. Therefore, Applicants submit that claims 11 and 16 are patentable over the cited prior art, an indication of which is kindly requested.

### **III. Claim Rejections under 35 U.S.C. § 112, first paragraph**

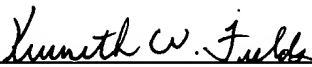
Claims 4-7, 14, 15, 19 and 20 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. As noted above, claim 4-7, 14, 15, 19 and 20 have been canceled by this amendment, thereby rendering this rejection moot.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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